

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KELLY A. CEGIELSKI,

Plaintiff,

v.

NOTICE OF REMOVAL

Civ No.: _____

TARGET CORPORATION,

Defendant.

1. Pursuant to 28 U.S.C. Section 1446(a), Defendant TARGET CORPORATION (hereinafter “Defendant”), by its attorneys, Hurwitz & Fine, P.C., hereby gives notice of the removal of this action from the State of New York, Supreme Court, County of Erie, to the United States District Court for the Western District of New York.

2. Pursuant to Rule 81(a)(3)(A) of the Local Rule of Civil Procedure, annexed hereto as **Exhibit A** is an Index of the State Court pleadings in this matter.

3. A copy of Plaintiff’s Summons and Complaint filed in the State Court is annexed hereto as **Exhibit B**. According to Plaintiff’s Complaint, Plaintiff Kelly Cegielski (hereinafter “Plaintiff”) alleges that Target was negligent in allowing and permitting a dangerous condition within said premises that allegedly caused Plaintiff to be injured on May 5, 2017.

4. A copy of Defendant’s Answer is annexed hereto as **Exhibit C**.

5. The amount in controversy, as stated in Plaintiff’s Response to Defendant’s Demand for Specific Relief Requested, exclusive of interests and costs, exceeds Two Million and 00/100 Dollars (\$2,000,000.00). Defendant’s Demand for Specific Relief and Affidavit of Service are annexed hereto as **Exhibit D**, and Plaintiff’s response, dated January 28, 2021 but not received

by defense counsel until February 18, 2021 wherein Plaintiff sets forth a demand of Two Million and 00/100 Dollars (\$2,000,000.00), is annexed hereto as **Exhibit E**.

6. According to Plaintiff's Complaint, Plaintiff is a resident of the State of New York.

7. Defendant TARGET CORPORATION is incorporated in the State of Minnesota with its principle place of business in the State of Minnesota.

8. Less than thirty (30) days has elapsed since Defendant's receipt of Plaintiff's Response to Defendant's Demand for Specific Relief requested, which was on February 18, 2021.

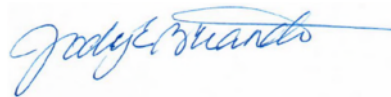
9. Defendant is entitled to remove this action pursuant to 28 U.S.C. Section 1446(a) because the District Court has original jurisdiction over the action pursuant to 28 U.S.C. Section 1332(a)(1), based upon diversity of citizenship of the parties.

10. Pursuant to 28 U.S.C. Section 1332 (c)(1), a corporation shall be deemed to be a citizen of any state by which it has been incorporated and of the state where it has its principle place of business.

WHEREFORE, Defendant, TARGET CORPORATION hereby removes this action from the State of New York, Supreme Court, County of Erie, to the United States District Court for the Western District of New York.

DATED: Buffalo, New York
March 5, 2021

HURWITZ & FINE, P.C.,



By: _____

Jody E. Briandi, Esq.
Attorneys for Defendant
Target Corporation
1300 Liberty Building
424 Main Street
Buffalo, New York 14202
(716) 849-8900

TO: Jason C. Luna, Esq.
JASON C. LUNA, PLLC
Attorney for Plaintiff
4535 Southwestern Blvd, Suite 804B
Hamburg, NY 14075
(716) 648-6666